

Wyandotte Municipal
Service Commission
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WYANDOTTE
MUNICIPAL SERVICES
Electric, Steam, Water
Cable Television and High Speed Internet
Service Since 1889

Kevin M. Maynard
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April 5, 2005

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: AMERICAN CABLE ASSOCIATION
PETITION FOR RULEMAKING, RM-11203

Dear Madame Secretary:

This letter is submitted on behalf of the City of Wyandotte, Michigan, Municipal Service Commission and Wyandotte Municipal Services (collectively, the "City") in strong support of the *Petition For Rulemaking*, RM-11203, filed on March 2, 2005, by the American Cable Association (the "Petition").

The City urges the Federal Communications Commission ("FCC") to immediately undertake the investigation requested in the Petition to prevent the certain harm that will occur to the City's citizens and businesses who subscribe to the City's cable television service as a result of the retransmission consent practices engaged in by merged cable programmers and broadcasters.

Furthermore, the City urges the FCC to take immediate action to amend its rules to protect consumers by eliminating the harm, as discussed in the Petition and supplements, caused by such onerous retransmission consent tying practices.

Finally, we urge the Commission to make such legislative recommendations to the United States Congress the Commission deems necessary to further prevent these harms from occurring.

The City is a non-profit provider of electricity, steam, water, cable television and high-speed Internet services to the residents and businesses of Wyandotte, Michigan. The City has been engaged in providing service to its citizens since 1889. The City's cable television system serves approximately 10,000 local consumers and has been doing so since 1981.

The City and its citizens have not been immune to the harms of the retransmission consent practices of the broadcasters through onerous tying practices.

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The City was recently obliged to sign a somewhat undesirable, if not unreasonable, retransmission agreement with FOX Television Holdings, Inc. and FOX Cable Networks Group (collectively, "FOX") for the right to continue to retransmit WJBX (FOX Channel 2, Detroit, MI). FOX's questionable practices date back a number of years. In fact, attached hereto is a copy of Resolution 11-2002-04 unanimously passed back in 2002 by the Wyandotte Municipal Service Commission. This resolution sets forth the City's strong objection to the retransmission consent practices employed by FOX.

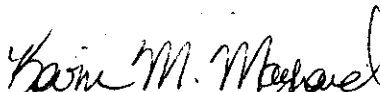
In the last round of negotiations, FOX sought (and to a large degree, was successful at doing so) to drastically modify the terms of the City's retransmission consent agreement by compelling the City to carry unwanted FOX cable programming in return for the right to retransmit Fox Channel 2's free, over-the-air broadcast signal. Imposing such requirements on the City reduced the number of programming choices available to our citizens and increased the cost of basic and digital cable in our community.

Unless the Commission takes immediate action to investigate the retransmission consent practices of broadcasters and eliminate potential abuse through appropriate changes in Commission rules, consumers in our community and across the country will continue to be forced to pay for unwanted services that only serve to benefit the revenues of combined, consolidated mega-programmer/broadcasters and not local communities, as the law and the Commission's regulations require.

Therefore, we respectfully and urgently request the Commission to take appropriate and immediate action in accordance with the Petition.

Sincerely,

WYANDOTTE MUNICIPAL SERVICE COMMISSION

By: 
Kevin M. Maynard, Secretary

Enclosure

cc: Chairman Michael Powell
Commissioner Kathleen Abernathy
Commissioner Kevin Martin
Commissioner Michael Copps
Commissioner Jonathan Adelstein

Mayor Leonard T. Sabuda
Wyandotte City Council
Wyandotte Municipal Service Commission

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RESOLUTION 11-2002-04

**A RESOLUTION OBJECTING TO THE ACTIONS OF FOX CHANNEL 2 AND FOX
CABLE NETWORKS REGARDING RETRANSMISSION CONSENT AND
DIRECTING CERTAIN ACTIONS IN RESPONSE**

WHEREAS, the City of Wyandotte, Michigan, owns and operates a municipal cable television system for the benefit of its local citizens and businesses; and

WHEREAS, in the operation of its municipal cable television system the City of Wyandotte is required to negotiate every three years for the right to retransmit certain free, over-the-air local broadcast stations pursuant to the "Retransmission Consent" laws and regulations of the U.S. government; and

WHEREAS, many such free, over-the-air broadcast stations are owned by large media conglomerates that are attempting to use their combined content and market power to force the carriage of additional programming owned by said media conglomerates at the expense of the citizens and businesses of the City of Wyandotte; and

WHEREAS, Fox Channel 2 in Detroit is attempting to force the City of Wyandotte to take and pay for an additional channel owned by Fox Channel 2's parent company, Fox Cable Networks, for a period of five to ten years as a condition of allowing Wyandotte's municipal cable system to retransmit Fox Channel 2 to local citizens and businesses for the next three years; and

WHEREAS, the actions of Fox Channel 2 and Fox Cable Networks, if successful, will reduce the choices available to Wyandotte citizens and businesses and increase the cost of basic and/or digital cable television programming services; and

WHEREAS, The City of Wyandotte Municipal Service Commission, on behalf of the citizens and businesses of the City of Wyandotte, strongly objects to any attempt to force the carriage of additional channels owned by Fox Cable Networks as a condition of retransmitting Fox Channel 2's free, over-the-air broadcast television signal; now therefore,

BE IT RESOLVED by the Wyandotte Municipal Service Commission, a majority of its members thereto concurring, that:

1. The General Manager be and hereby is directed to investigate alternatives including legal, regulatory, legislative or other remedies, to prevent the forced carriage of additional Fox Cable Networks programming as a


condition of the right to retransmit Fox Channel 2 on the municipal cable television system and to recommend an appropriate course of action to the Wyandotte Municipal Service Commission at a future meeting of this body;


2. The General Manager be and hereby is directed to notify local citizens and businesses served by the municipal cable television system of the attempt by Fox Channel 2 and Fox Cable Networks to tie additional cable programming to the retransmission of Fox Channel 2 on the municipal cable television system;
3. The General Manager be and hereby is directed to notify local citizens and businesses of the possibility that the municipal cable television system may be forced to cease retransmission of Fox Channel 2 as of January 1, 2003, because of the actions of Fox Channel 2 and Fox Cable Networks; and,
4. The General Manager be and hereby is directed to notify Fox Channel 2 and Fox Cable Networks of the City of Wyandotte's strong objection to their attempts to force the carriage of additional Fox Cable Network programming as a condition of the right to retransmit Fox Channel 2 on the municipal cable television system and to include a copy of this Resolution in said communication;
5. The General Manager be and hereby is directed to contact the Federal Communications Commission for the following purposes:
 - A. File a letter in support of the Petition for Inquiry into Retransmission Consent Practices filed by the American Cable Association on October 1, 2002 (the "Petition"); and,
 - B. Request that the Federal Communications Commission take action forthwith in regard to the Petition to investigate and eliminate the retransmission consent abuses taking place in television markets all across the United States, including those markets served by the Wyandotte municipal cable television system; and,
 - C. Request that the Federal Communications Commission either take direct action or make recommendations to the United States Congress to address the harms caused by such egregious retransmission consent practices that force consumers, such as the citizens and businesses served by Wyandotte's municipal cable television system, to pay for free, over-the-air broadcast television signals.

ADOPTED this 26th day of November, 2002.

ATTEST:

WYANDOTTE MUNICIPAL SERVICE COMMISSION

By: 
President

By: 
Secretary